# UNITED STATES BANKRUPTCY COURT
# FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|---|---|---|
| In re | : | Chapter 13 |
| | : | |
| REGINALD BROWN, | : | Bankruptcy No. 04-30596DWS |
| | : | |
| Debtor. | : | |
| | : | |
| In re | : | Chapter 13 |
| | : | |
| TONYA CLARK, aka Tt, aka TONYA BERGER-CLARK, | : | Bankruptcy No. 04-35004DWS |
| | : | |
| Debtor. | : | |

## ORDER

**AND NOW**, this 26th day of April 2005, this Court having held hearings on notice in the above captioned cases in which the above captioned debtors are represented by Gerald Alston ("Alston");

**And** the debtors appearing and their counsel Alston not;

**And** Alston failing to request continuance from the Court;

**And** Alston not notifying his clients that he would not be present;

**And** Alston not filing an answer in Reginald Brown's case although they had evidence of payment;

**And** Alston not advising his opponents' counsel (who appeared) that he would not be present;[1]

**And** both hearings being continued until **May 3, 2005 at 9:30 a.m.**;

It is hereby **ORDERED** that:

1. Alston shall appear at the hearing on **May 3, 2005** and show cause why he should not be sanctioned for his failure to discharge his duty as an attorney to his clients and as an officer of the court. There shall be no continuances of these matters and if he does not appear, this court shall issue a bench warrant to compel his appearance.

2. To the extent that the debtors are dissatisfied with Alston's representation of him,[2] they may make an oral motion at the continued hearing for disgorgement of any fee paid to him. Likewise any counsel who incurred the unnecessary cost of an appearance because of Alston's failure to notify him that he would not appear, may request by motion served on Alston that Alston pay the costs of that appearance. Such motion shall not be listed in the ordinary course but shall be heard contemporaneously with the rescheduled matters.

The United States trustee is invited to participate.

Diane W. Sigmund

DIANE WEISS SIGMUND
Chief U.S. Bankruptcy Judge

[1] Lester Carson, Esquire appeared in response to the motion for reinstatement of the stay filed by Alston in Tonya Clark's case. Peter Mulcahy, Esquire had certified no answer and a default would have been taken in Reginald Brown's case had the debtors and he not been present.

[2] Both debtors indicated that to be the case when they appeared in court today.

Copies to:

Gerald M. Alston, Esquire
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Suite 1001
Philadelphia, PA 19107

Tonya Clark
6257 Morton Street
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Reginald Brown
5510 Jane Street
Philadelphia, PA 19138

Leslie J. Carson, Jr., Esquire
6378 Lancaster Avenue
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